

## Complaints Policy and Procedure

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### 1. Introduction

- 1.1. Each Academy aims to work in partnership with parents and the community and maintain open and positive relationships. From time to time a parent, student or member of the community may express concern or make a complaint about some aspect of the conduct or operation of the Academy. Most of these concerns will be dealt with informally.
- 1.2. It is in everyone's interest that complaints of any nature are resolved at the earliest possible stage. How effectively a complaint is dealt with in the early stages is crucial in determining whether the complaint will escalate. It is therefore essential that all staff know and understand the procedures to be followed when receiving a complaint.

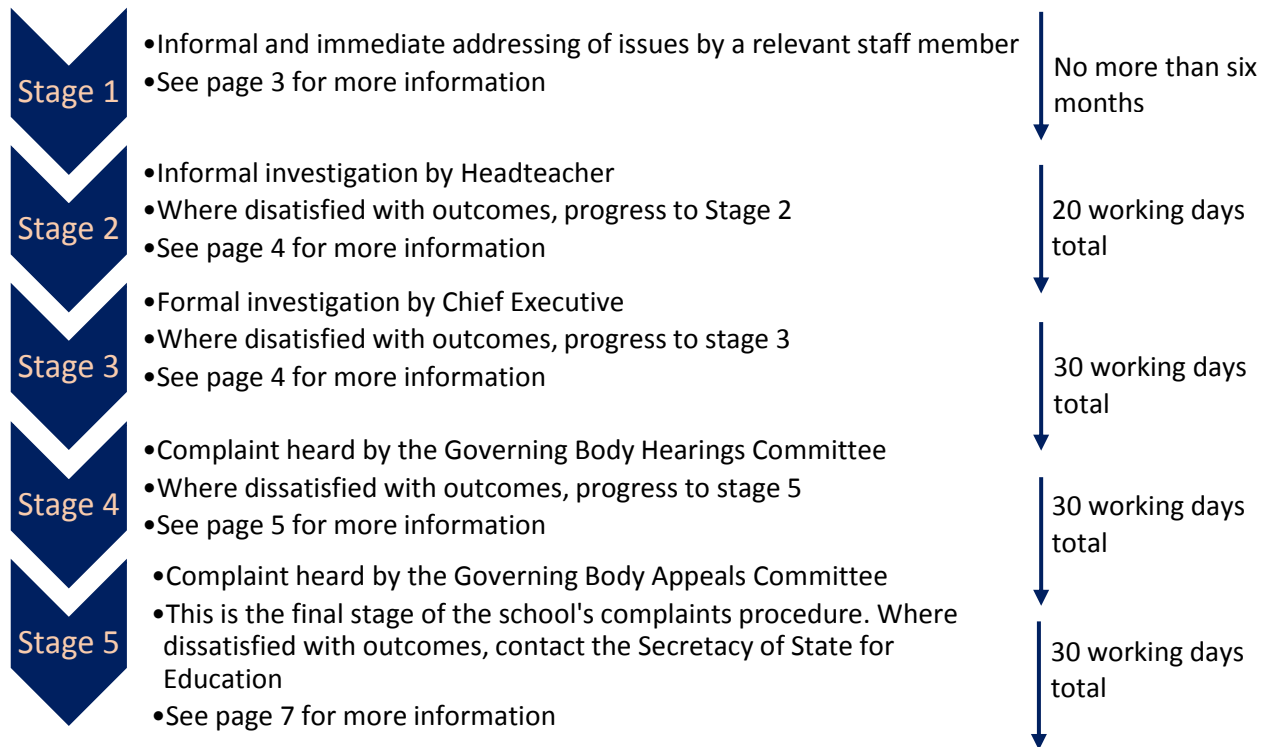
### 2. Which procedure do I need?

- 2.1. Sometimes, when concerns are more specific, there are alternative and more appropriate policies for dealing with them. The following list details specific topics of complaints, and the correct policy to refer to. You can access these policies on the Academy website or ask for a copy from the main Academy reception.
  - Admissions – covered by the academy’s Admissions Policy
  - Allegations of abuse against staff – covered by the Allegations of Abuse Against Staff Policy
  - Pupil exclusions – covered by the academy’s Exclusion Policy.
  - Data protection or freedom of information requests – these have their own statutory appeals procedures and are covered in the Trust’s FOI and Data Protection Policies
  - Staff grievance or disciplinary proceedings

- Commercial or other incidental arrangements not directly related to an academy’s public functions, such as facilities hire. Where the complaint concerns a third party used by the Academy; please complain directly to the third party themselves.
- Anonymous complaints – please refer to the Whistleblowing Policy.

2.2. Complaints will normally only be considered from those with a direct interest in the matter.

### 3. Timeline



3.1. Future Academies will endeavour to abide by timeframes stated under each stage but acknowledges that in some circumstances, this is not always possible due to the complexity of information needed to review a complaint or difficulties regarding individual’s availability to deal with the complaint, for example. If it becomes apparent that it is not possible to complete any stage of the complaints procedure within a given timeframe, the individual responsible for handling the complaint will contact the complainant as soon as possible and come to an agreed timeframe that works for all parties involved.

3.2. Future Academies reserves the right not to investigate complaints that have been made six months after the subject of the complaint took place, except in exceptional circumstances. What is meant by exceptional circumstances is where new evidence has come to light, where the complaint is of an especially serious matter, or where there is reasonable justification for why the complainant has been unable to raise the complaint before this time. The Headteacher will review the situation and decide whether or not to enact the complaints procedure, informing the Chief Executive of the decision.

#### **4. Complaints about the Headteacher or the Governors**

- 4.1. Where a complaint regards the Headteacher, the complainant should first directly approach the Headteacher in an attempt to resolve the issue informally. If the complainant is not satisfied with this outcome they should notify the Clerk to Governors. The Stage 2 process will then commence, but with the chair of governors as the individual responsible for the investigation rather than the Headteacher.
- 4.2. Where a complaint regards a Governor, the same process applies as for the Headteacher. Where a complaint concerns the Chair of Governors, the individual should contact the Clerk to Governors. Informal resolution will be sought, but where this fails, the complaints procedure at Stage 4 will take immediate effect.

#### **5. Stage One – Raising Concerns**

- 5.1. The majority of concerns can be dealt with without resorting to the procedure. Where you have a concern about any aspect of the Academy or your child's education or wellbeing, raise this with your child's form tutor/class teacher/head of year/relevant subject teacher via the phone or in person. Ideally, they will be able to address your concerns on the spot, or can arrange a meeting with you to discuss the issue.
- 5.2. Complaints dealt with during the informal stage could be dealt with in a variety of ways depending on how the complaint was made.
- 5.3. If the complaint is made verbally then the person receiving the complaint (the receiver) will reassure the complainant that the Academy will do what it can to try and resolve the matter. The receiver, who in many cases will be a member of the office staff, will try to ascertain some brief information about the complaint to help them decide who should best deal with the issue, depending on both the nature and severity of the complaint. Where the receiver feels they can resolve the matter then this should be done, but in most cases there will probably be the need to refer the matter to someone else for them to investigate.
- 5.4. It is recognized that sometimes the best person for a complaint to be referred to is not always the member of staff who is available at that time. Therefore, where possible, it is arranged with the complainant that someone (if possible the name of the member of staff will be given) will contact them within 24 hours regarding the complaint. The complaint is then passed to the relevant member of staff who will contact the complainant to find out more information either by telephone or via an arranged meeting. Where it is possible, the member of staff may wish to find out more information prior to contacting the complainant to help them in dealing with the complaint.
- 5.5. Where the complainant wishes to see someone immediately then the relevant member of staff should be contacted and an available member of staff asked to respond to the matter, (in most cases this will be the SLT member on duty, with the Headteacher providing additional support if necessary).
- 5.6. If the complaint is unable to be resolved then the member of staff may offer some additional support as part of the informal stage.
- 5.7. In all cases, even if the complaint has been resolved, the complaint must be recorded, along with any investigation notes, and records kept.

## **6. Stage Two - Complaint Heard by the Headteacher**

6.1. Where the complainant is dissatisfied with the way the complaint has been handled or resolved at Stage One, the complainant may make a formal complaint in writing to the Headteacher.

To enable the Academy to investigate most fully, the complaint letter should include:

- the name and date of birth of the relevant student(s)
- the name and contact details of the complainant(s)
- a brief summary of the complaint, including key times and dates, and any witnesses to any specific incident(s)
- any steps already taken to attempt to resolve the complaint
- any suggested steps to resolve the complaint

6.2. The Headteacher will become involved and further investigate the complaint using both existing evidence collected and any other that may be required. The Headteacher will then make a decision regarding the action to be taken and try to resolve the complaint with the complainant.

6.3. The Headteacher will be required to keep records of the investigation and the action identified in order to resolve the matter.

6.4. If the complainant is not satisfied with the outcome of the investigation and the action taken then he / she will be informed of his / her right to refer the matter to Chief Executive.

6.5. The complainant will be informed of the need to write to the Chief Executive, giving details of the complaint.

## **7. Stage Three – Complaint Heard by the Chief Executive**

7.1. Where the complainant is dissatisfied with the way the complaint has been handled or resolved at Stage Two, the complainant may make a formal complaint in writing to the Chief Executive.

To enable the Trust to investigate most fully, the complaint letter should include:

- the name and date of birth of the relevant student(s)
- the name and contact details of the complainant(s)
- a brief summary of the complaint, including key times and dates and any witnesses to any specific incident(s)
- any steps already taken to attempt to resolve the complaint
- any suggested steps to resolve the complaint

7.2. The Chief Executive will become involved and further investigate the complaint using both existing evidence collected and any other that may be required. The Chief Executive will then make a decision regarding the action to be taken and try to resolve the complaint with the complainant.

7.3. The Chief Executive will be required to keep records of the investigation and the action identified in order to resolve the matter.

7.4. If the complainant is not satisfied with the outcome of the investigation and the action taken then he / she will be informed of his / her right to refer the matter to the Local Governing Body Hearing Committee.

7.5. The complainant will be informed of the need to write to the Chair of Governors giving details of the complaint who will then (or a nominated Governor) convene a meeting of the Hearing Committee to which the complainant will be invited to attend.

## **8. Stage Four - Complaint Heard by the Governing Body Hearings Committee**

8.1. Where a complainant remains dissatisfied after a formal investigation, they may request a panel hearing of their complaint. The request must be made in writing by the complainant within 15 working days of notification of the outcome of the formal investigation and sent to: Clerk to Governors, Future Academies, c/o Pimlico Academy, Lupus Street, London SW1V 3AT.

8.2. On receiving a formal complaint the Chair will ask the Clerk to convene a meeting of the Hearing Committee within 20 working days of receiving the complaint.

8.3. The complainant will be informed of the date, time and location of the Hearing at least 5 working days before the Hearing. They will be informed that they may bring a friend. They will be asked to inform the Clerk of any witnesses they may be calling so that a programme can be put together for hearing.

8.4. The panel will be appointed by or on behalf of the Trust and consist of at least three people who were not directly involved in the matters detailed in the complaint. The Trust will ensure that one panel member is independent of the management and running of the Academy to which the complaint is directed. It is important that the hearing is independent and impartial and therefore no Governor should be involved in the Hearing if they have prior knowledge of the complaint.

8.5. The hearing will always aim to resolve the complaint and achieve reconciliation between the Academy and the complainant. However, it is recognised that the complainant might not be satisfied with the outcome, if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations, which will satisfy the complainant that his / her complaint has been taken seriously.

8.6. An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The Chair should ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone, and care is needed to ensure the setting is informal and not adversarial.

8.7. The Academy is aware that extra care needs to be taken when the complainant is a child or young person. Careful consideration of the atmosphere and proceedings will ensure that the child or young person does not feel intimidated. The panel needs to be aware of the views of the child or young person and give them equal consideration to those of adults. Where the child or young person's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child or young person needs to attend.

8.8. The Governors sitting on the panel need to be aware of the complaints procedure.

8.9. A programme of events should be drawn up for each hearing, depending on who will be giving evidence. The hearing should reasonably follow the pattern outlined below and should be kept as informal as possible. The Headteacher will present the case on behalf of the Academy.

- Introduction identifying the programme of events and what the Governors are aiming to achieve through the hearing.

- The complainant is then invited to explain their complaint, referring to any previous information they have provided.
- The chair will then invite the Headteacher, followed by the panel, to ask questions of the complainant.
- Any witnesses invited by the complainant will be asked to present their evidence (the witnesses will be invited into the meeting when required).
- The chair will then invite the Headteacher, followed by the panel, to ask questions of the witnesses.
- When all evidence has been presented by the complainant the Chair will then invite the Headteacher to explain the Academy's actions.
- The Chair will then invite the complainant, followed by the panel, to ask questions of the Headteacher.
- Any witnesses provided by the Academy will be invited to present their evidence (the witnesses will be invited into the meeting when required).
- The Chair will then invite the complainant, followed by the panel, to ask questions of the witnesses.
- The Chair will then invite the panel to ask additional questions of the complainant or the Headteacher.
- The complainant will then be invited to sum up their complaint.
- The Headteacher will then be invited to sum up the Academy's actions and response to the complaint.
- The chair will then ask both parties to leave while the panel decides on the issues.
- The chair will then inform both the Headteacher and the complainant of the timescale by which they will hear an outcome from the Panel.

8.10.As a result of the hearing the panel can:

- Dismiss the complaint in whole or in part.
- Uphold the complaint in whole or in part.
- Decide on the appropriate action to be taken to resolve the complaint.
- Recommend changes to the Academy's systems or procedures to ensure that problems of a similar nature do not recur.

8.11.The Chair of the panel will ensure that the complainant is notified of the panel's decision, in writing, with the panel's response within 3 days of the meeting. This letter will explain the right of appeal, which must be sent to the Clerk to the Governors within 15 days of the first hearing taking place.

## **9. Stage Five - Complaint Heard by the Governing Body Appeals Committee**

- 9.1. On receiving notification in writing, within the set time, that the complainant wants to appeal against the decision of the Hearing Committee, the Clerk will convene a meeting of the Appeals Committee within 20 working days of receiving the appeal. It is important that the Appeals Hearing is independent and impartial and therefore no Governor should be involved in the Hearing if they have prior knowledge of the complaint. No Governor can sit on this if they were on the Hearing Committee which heard the initial hearing.
- 9.2. The complainant will be informed of the date, time and location of the Appeals Hearing at least 5 working days before the Appeals Hearing. They will be informed that they may bring a friend. They will be asked to inform the Clerk of any witnesses they may be calling so that a programme can be put together for hearing.
- 9.3. The Appeals Hearing will not be required to hear the evidence again but to consider the reasons the complainant has given for the appeal. The committee should refer to the minutes of the Hearing and any other documentary evidence which was provided at the Hearing in order to consider the reasons for the appeal.
- 9.4. A programme of events should be drawn up for each appeal hearing which should reasonably follow the pattern outlined below, and should be kept as informal as possible.
  - Introduction identifying the programme of events and the remit of the appeals hearing - that it is to consider the reasons for the appeal.
  - The complainant will then be invited to explain their reason for the appeal, referring to any previous information they have provided regarding their reason for the appeal.
  - The Chair will then invite the panel to ask questions of the complainant.
  - The Chair will then ask the complainant and the Headteacher to leave while the panel decides on the issues.
  - The Chair will then explain that both parties will hear from the panel within 3 days.
  - The panel will consider the information provided regarding the reason for the appeal, the minutes of the Hearing and any other documentary evidence from the Hearing and decides on the issues.
- 9.5. As a result of the appeal hearing the panel can:
  - Dismiss the complaint in whole or in part.
  - Uphold the complaint in whole or in part.
  - Decide on the appropriate action to be taken to resolve the complaint.
  - Recommend changes to the Academy's systems or procedures to ensure that problems of a similar nature do not recur.
- 9.6. The Chair of the panel will ensure that the complainant is notified of the panel's decision, in writing, with the panel's response within 3 days of the meeting. This letter will inform the complainant that there is no right of appeal.

## **10. Roles and Responsibilities**

### **10.1. The role of the Clerk**

Any panel or group of Governors considering complaints will be clerked. The clerk is the contact point for the complainant and will be required to:

- Set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible.
- Collate any written material and send it to the parties in advance of the hearing.
- Meet and welcome the parties as they arrive at the hearing.
- Record the proceedings.
- Notify all parties of the panel's decision.

## **10.2. The role of the Chair of the Panel**

The Chair of the Panel has a key role, to ensure that:

- The remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption.
- The issues are addressed.
- Key findings of fact are made.
- Parents and others who may not be used to speaking at such a hearing are put at ease.
- The hearing is conducted in as informal manner as possible, with each party treating the other with respect and courtesy.
- The panel is open minded and acting independently.
- No member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure.
- Each side is given the opportunity to state their case and ask questions, and written material is seen by both parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

## **11. Complaints to the Secretary of State for Education**

11.1. Parents may complain about an academy to the Secretary of State for Education. These complaints are considered on their behalf by the Education Funding Agency.

11.2. Where a complaint is made to the EFA, they will check whether the complaint has been dealt with properly by the Trust. They will consider complaints about academies that fall into any of the following three areas:

- where there is undue delay or the academy did not comply with its own complaints procedure when considering a complaint
- where the academy is in breach of its funding agreement with the Secretary of State
- where an academy has failed to comply with any other legal obligation

11.3. The EFA will not overturn an academy's decision about a complaint. However, if the EFA finds an academy did not deal with a complaint properly they will request the complaint is looked at again and check that procedures meet the requirements set out in the Education (Independent School Standards (England) Regulations 2014.

11.4. If the academy's complaints procedure does not meet the Regulations, they will ask the academy to put this right. The EFA may seek to enforce the decision under the terms of the academy's funding agreement on behalf of the Secretary of State, if appropriate.



## **12. Safeguarding**

12.1. Wherever a complaint indicates that a child's wellbeing or safety is at risk, the Academy is under a duty to report this immediately to the local authority. Any action taken will be in accordance with the Academy's Safeguarding and Child Protection Policy which can be found on each Academy's website.

## **13. Social Media**

13.1. In order for complaints to be resolved as quickly and fairly as possible, Future Academies requests the complainants do not discuss complaints publically via social media such as Facebook and Twitter. Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentiality also.

## **14. Monitoring, Evaluation and Review**

14.1. The Governing Body will review this policy at least every two years and assess its implementation and effectiveness. The policy will be promoted and implemented throughout the Academy.

## **15. Relevant Legislation**

15.1. This policy fulfils the Trust and Academy's responsibilities under the Education (Independent School Standards (England) Regulations 2014, Schedule 1, Part 7.

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